

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449, and for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document in the Official Action.

Upon entry of the above amendments the specification and claim 4 will have been amended. Claims 1-7 are currently pending. The Examiner has withdrawn claims 1-3 and 5-7 from consideration. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

Applicants note that the first paragraph of the Specification has been amended to clearly recite the national stage status of parent application 09/926,588.

On page 3 of the Official Action, claim 4 was rejected under 35 U.S.C. §112, second paragraph. Applicants note that claim 4 has been amended to address the issue raised by the Examiner. In particular, the phrase "such as an air cylinder and a voice coil motor," has been removed from claim 4. Accordingly, Applicants submit that claim 4 is definite, and respectfully request withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

On pages 3 and 4 of the Official Action, claim 4 was rejected under 35 U.S.C. § 102(b) as being anticipated by PRICE et al. (U.S. Patent No. 5,887,768).

Applicants respectfully traverse the rejection of claim 4 under 35 U.S.C. § 102(b).

As an initial matter, Applicants note that PRICE et al. does not qualify as prior art under 35 U.S.C. § 102(b) based on its issue date of March 30, 1999. In this regard, Applicants note that the present application is a continuation of U.S. Application No. 09/926,588 filed November 21, 2001, which is itself a national stage of PCT/JP00/01513 filed on March 13, 2000. Accordingly, since the issue date of PRICE et al. (March 30, 1999) is less than a year before the international filing date of parent application 09/926,588 (March 13, 2000), it is clear that PRICE et al. does not qualify as prior art under 35 U.S.C. § 102(b).

Applicants further note that claim 4 recites a “viscous material” application apparatus. In contrast, Applicants submit that PRICE et al. does not disclose an apparatus for applying “viscous material”, but is instead directed to an apparatus for liquid dispensing (note, for example, column 2, lines 35-36). Accordingly, Applicants submit that it is clear that PRICE et al. lacks any disclosure of a pressurized chamber for storing “viscous material”, or a “viscous material” supply device, or a device for regulating discharge pressure of “viscous material”.

Applicants further submit that PRICE et al. does not disclose a “discharge pressure regulating device” which increases and decreases the capacity of a pressurized chamber, as

recited in claim 4. In this regard, Applicants submit that the structure noted by the Examiner (i.e., plunger 20, cylinder 45) is not a discharge pressure regulating device, but is instead a cylinder for opening and closing a cut off valve (i.e., diaphragm 22). Note, for example, column 2, lines 43-67. Accordingly, Applicants submit that the structure of PRICE et al., which is clearly a cut off valve for liquid dispensing, can not reasonably be characterized as a discharge pressure regulating device for viscous material. Applicants further submit that it is clear that the structure of PRICE et al. does not increase and decrease the capacity of a pressurized chamber, but instead merely moves the diaphragm 22 to open and close the cut off valve.

Applicants respectfully submit that the rejection of claim 4 under 35 U.S.C. § 102(b) based on PRICE et al. is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and an early indication of the allowance of this claim.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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